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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.350 of 2005

Between:

Chevuru Ramanamma, W/o Srinivasulu, Hindu,
R/o Bathulapallipadu (v), Podalakur (M), Nellore District.

..... PETITIONER

AND

- 1 The District Collector, Nellore, Nellore District.
- 2 The Joint Collector, Nellore, Nellore District.
- 3 The Revenue Divisional Officer, Nellore, Nellore District.
- 4 The Mandal Revenue Officer, Nellore (M), Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, direction, order or orders more particularly one in the nature of writ of mandamus declaring the proceedings in Rc.No. 2882(CJFS)/2004 dt. 28-8-2004 resuming the lands by evicting the petitioner from Sy.Nos. 275/3 to 275/5 of Gollakandukuru village, Nellore Mandal, Nellore District, in an extent of Ac. 4.00 cents of dry land without issuing any notice is illegal, arbitrary, malafidy and violation of principles of natural justice and consequentially set aside the same in the interest of justice.

Counsel for the Petitioner: MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

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ORDER:

The petitioner claims to be owner and possessor of land admeasuring Ac.4.00 Cents situated in Survey Nos.275/3 to 275/5 of Gollakandukuru village, NelloreMandal, Nellore District, having purchased the same from one Cherukuru Pedda Penchalaiah and others. It is stated that the 4th respondent-Mandal Revenue Officer issued notice on 14.07.2004 directing the petitioner's husband to submit his explanation as to why the lands should not be resumed, as the lands mentioned in the said notice are Co-operative Joint Farming Society lands, which are not alienable. The grievance of the petitioner is that without considering the explanation submitted by her husband, the 3rd respondent-Joint Collector vide impugned proceedings dated 28.08.2004 resumed her land by treating the same as A.W. Dry land. It is submitted that against the proceedings passed by the 3rd respondent, petitioner already preferred an appeal along with stay application before the 2nd respondent-Joint Collector and the same are pending. Assailing the action of the 2nd respondent in not passing any orders on the stay application or on the main appeal and on the other hand as per the instructions of the 1st respondent-District Collector, the 4th respondent-Mandal Revenue Officer is trying to evict her from the land in question to distribute her land to landless poor on 26.01.2005, the petitioner filed this writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue and with their consent, the writ petition is being disposed of finally at the admission stage.

In the circumstances, the writ petition is disposed of at the stage of admission directing the 2nd respondent to consider the appeal and the stay petition said to have been filed by the petitioner and pass appropriate orders either on the stay petition or

on the appeal, in accordance with law. Till passing of such orders, status quo obtaining as on today shall be maintained.

N.V. RAMANA, J.

Date: 20.01.2004

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The District Collector, Nellore, Nellore District.
- 2 The Joint Collector, Nellore, Nellore District.
- 3 The Revenue Divisional Officer, Nellore, Nellore District.
- 4 The Mandal Revenue Officer, Nellore (M), Nellore District.
- 5 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)
6. 2 CD copies

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